

REMARKS

This amendment is in response to the Official Action dated February 7, 2007. Claims 1-18 are currently pending in connection with the present application. Claims 1-3, 9-11, and 17-18 are independent claims. In the amendment, claim 6 has been amended to properly depend on claim 3, and claims 10 and 18 have been amended to overcome the rejection under 35 U.S.C. § 101. Reconsideration and allowance is requested in consideration of the claim amendment and the following remarks.

Drawings:

Applicant notes that the Examiner has not objected to nor accepted the drawings filed on September 26, 2003. Absent such an indication, Applicant assumes the drawings have been accepted. However, an indication of such is earnestly solicited.

35 USC § 101 Rejections

Claims 10 and 18 have been rejected under 35 U.S.C. § 101 based upon the allegation that the claims are directed to non-statutory subject matter, particularly a software application.

While Applicant disagrees and does not admit that the rejection is correct, Applicant submits that this rejection is now moot in view of the amendments made to claims 10 and 18. Particularly, the claims have been amended to recite “[a] computer program product, stored on a computer readable medium”. These amendments have been made in an effort to expedite prosecution. Accordingly, withdrawal of the rejection is respectfully requested.

35 USC § 103 Rejections

Claims 1-18 have been rejected under 35 U.S.C. § 103(a) as being obvious in view of Pare, Jr. et al (U.S. Patent No. 6,662,166, hereinafter “Pare”). Applicant respectfully traverses this rejection.

Pare is directed to a system for authorizing automatic payments using biometric samples (See abstract). Fig. 1 illustrates a Party Identification Apparatus (PIA) 1 with a biometric sensor 2, such as a fingerprint or iris scanner. Pare teaches that the PIA allows consumers to transact purchases without institutionally issued IDs, such as credit cards. Instead, the PIA transmits biometric information obtained by biometric sensor 2 to a data processing center 4 (in Fig. 2) in order to retrieve credit/debit account information. One of the key elements of Pare's implementation is the consistency of the biometric data. The system relies on consistent, reproducible, biometric images in order to access the user's transactional information. Pare teaches that the biometric (authentication) information must remain constant between different transactions. This is evident because Pare requires that the payor register a biometric sample, which is associated with a payor's credit card (col. 5, ll. 7-9). Thereafter the payer makes purchases without "presenting any personalized man-made tokens" (col. 5 ll. 22-25).

Applicants respectfully submit that Pare does not teach, suggest, or render obvious a method or system comprising a "*generating means for generating a first authentication image based on a predetermined original image...[and]... display control means for displaying a second authentication image instead of the first authentication image* displayed on the information processing terminal when the authenticating means verifies that the first authentication image is authentic..." as recited in independent claim 1.

While Pare generates a biometric-pin, Pare does not teach or suggest that this pin consists of an authentication image that is generated from an original image. Instead, Pare teaches that the biometric-pin is generated by scanning a physical, organic surface such as a fingerprint or iris. Furthermore, Pare does not suggest nor render obvious a "*generating means for generating a first authentication image based on a predetermined original image*," because requiring "a predetermined original image" would contradict the very purpose of the Pare invention, i.e., to provide "Tokenless Biometric Electronic Debit and Credit Transactions" without the need to possess any personalized man-made tokens (See Pare, title and col. 3, ll. 66 – col. 4, ll. 5). The creation of an authentication image based on a predetermined original image (i.e. an image known beforehand) is contrary to Pare, since such an image would require the use of a man-made or memorable token.

Second, the authentication images used by Pare consist solely of biometric images as is evident by the transaction cycle in Fig. 6 of Pare. Pare does not teach, nor would it be physically possible for the Pare system to provide a “second authentication image,” because doing so would require that the Pare invention *generate* new biometric information to associate with the payor, a feature neither taught nor suggested by Pare. Applicant notes that there is a clear distinction between the display of transactional data and “authentication images.” In particular, authentication images are used to authenticate a party. Accordingly, the listing of credit/debit accounts from which the payor selects (as disclosed by Pare) does not serve to *authenticate* the payor, but simply offers an option for payment, therefore it cannot serve as an “authentication image” (See Pare, col. 8, ll. 64-67).

Accordingly, Applicant respectfully submits that Pare fails to disclose, teach, suggest or render obvious each and every feature of independent claim 1 and claim 1 is therefore patentable. For similar reasons, independent claims 2, 3, 9-11, 17, and 18 are also patentable (although claims 1-3, 9-11, 17, and 18 should be interpreted solely based upon the limitations set forth therein). Therefore, Applicant respectfully requests that the rejection of independent claim 1-3, 9-11, 17, and 18 and dependent claims 4-8 and 12-16 under 35 U.S.C. § 103(a) be withdrawn.

Application No. 10/670,281
Amendment dated April 27, 2007
Reply to Office Action of February 7, 2007

Docket No.: SON-2830

CONCLUSION

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. SON-2830 from which the undersigned is authorized to draw.

Dated: April 27, 2007

Respectfully submitted,

By 

Christopher M. Tobin

Registration No.: 40,290

RADER, FISHMAN & GRAUER PLLC

Correspondence Customer Number: 23353

Attorney for Applicant